

HOUSE BILL 3096

By Shaw

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to arrests for criminal offenses and the
consequences thereof.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 32, Part 1, is amended by
adding the following as a new section:

Section 40-32-105.

(a) The administrative office of the courts shall develop a form for
inclusion on its web site indicating that a charge against a person who was
arrested for suspicion of a criminal offense has been dismissed for one (1) of the
reasons set out in § 40-32-101(a)(1)(A)(i), (a)(1)(A)(ii), (a)(1)(A)(iii) or
(a)(1)(A)(iv). The form shall:

(1) Specify the name of the person arrested, the date of the arrest
and the criminal offense for which the person was arrested;

(2) Specify the cause for and date of dismissal of the charge for
which the person was arrested;

(3) Be signed by the dismissing judge; and

(4) State thereon that the form, when signed by the judge, is
evidence that the charge for which the person named on the form was
arrested did not result in a conviction or otherwise unfavorable disposition
against the person arrested.

(b) Any person arrested for the commission of a criminal offense shall, at
the request of the arrested person, be entitled to receive a dismissal form created

pursuant to section (a) if the disposition of such arrest is one (1) of the dispositions set out in § 40-32-101(a)(1)(A)(i), (a)(1)(A)(ii), (a)(1)(A)(iii) or (a)(1)(A)(iv).

(c) The person may request such a form at the time of the dismissal or at a later date. It is the responsibility of the person requesting the form to supply the court with the person's correct address.

(d) The person shall not be entitled to receive such a form if the person was arrested upon suspicion of a criminal offense and the charges against the person resulted in a disposition other than one (1) of the ones set out in § 40-32-101(a)(1)(A)(i), (a)(1)(A)(ii), (a)(1)(A)(iii) or (a)(1)(A)(iv), even if such disposition was not a conviction.

(e) This section is applicable regardless of whether the person whose charge is disposed of in a manner set out in § 40-32-101(a)(1)(A)(i), (a)(1)(A)(ii), (a)(1)(A)(iii) or (a)(1)(A)(iv), seeks expungement under § 40-32-101 or not.

SECTION 2. For the purpose of the administrative office of the court developing the form created in this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2010, the public welfare requiring it, and shall apply to any person whose criminal charge was disposed of as provided in Section 1(b) of this act.